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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,323	01/04/2001	Toshikazu Ura	F-6768	7228

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Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

TSANG FOSTER, SUSY N

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 07/08/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-7

Office Action Summary

Application No.

09/719,323

Applicant(s)

URA, TOSHIKAZU

Examiner

Susy N Tsang-Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Preliminary Amendment

2. The preliminary amendment filed on 1/4/2001 has been made of record.

Information Disclosure Statement

3. The information disclosure statement filed on 12/8/2000 has been considered by the Examiner.

JP 47-1520 was cited as an X reference for claims 1 and 2 in the International Search Report dated 6/27/2000 for PCT/JP00/02304. Equivalent document U.S. 3,761,314 was relied upon for translation. U.S. 3,761,314 does not appear to add to Oweis et al. (USP 5,972,532) applied against claims 1-3 in this Office Action or to JP 2000-058038 applied against claims 1-4 in this Office Action.

JP 2000-21436 was cited as an EX reference for claims 1 and 2 in the International Search Report dated 6/27/2000 for PCT/JP00/02304. JP 2000-21436 does not appear to add to

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Oweis et al. (USP 5,972,532) applied against claims 1-3 in this Office Action or to JP 2000-058038 applied against claims 1-4 in this Office Action.

JP 55-113261 was cited as an Y reference for claims 3 and 4 in the International Search Report dated 6/27/2000 for PCT/JP00/02304. JP 55-113251 does not appear to add to Oweis et al. (USP 5,972,532) and JP 7-014569 applied against claims 3 and 4 in this Office Action or to JP 2000-058038 applied against claims 1-4 in this Office Action.

JP 4-301360 was cited as an Y reference for claim 4 in the International Search Report dated 6/27/2000 for PCT/JP00/02304. JP 4-301360 does not appear to add to Oweis et al. (USP 5,972,532) and JP 7-014569 applied against claim 4 in this Office Action or to JP 2000-058038 applied against claims 1-4 in this Office Action.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Oweis et al. (USP 5,972,532).

See abstract, Figures 1-3 and 5; col. 1, lines 10-35; col. 2, lines 5-50; col. 3, lines 15-27; col. 3, line 65 to col. 4, line 40; col. 5, lines 45-67; and col. 6, lines 13-17 of the reference.

7. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by JP 2000-058038.

See abstract; Figures 3-7, 10, and 11 and paragraphs 7, 15, 26, 27, 36, and 41 of machine translation provided for JP 2000-058038.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oweis et al. (USP 5,972,532) in view of JP 7-014569.

The product-by-process limitations of claim 4 are not given patentable weight since the courts have held that patentability is based on a product itself, even if the prior art product is made by a different process (see In re Thorpe, 227 USPQ 964, (CAFC 1985), In re Brown, 173 USPQ 685 (CCPA 1972), and In re Marosi, 218 USPQ 289, 292-293 (CAFC 1983)).

Thus, product-by-process limitation “the flat planes being formed by pressing said ribs against the portions of the current collectors” is not given patentable weight in claim 4.

Oweis et al. disclose all the limitations of claim 4 (see paragraph 6 above) except that the current collecting plate is formed with a plurality of ribs thereon such as to protrude towards the projected portions of the current collectors and the current collecting plate is welded to each of the current collectors at the ribs.

JP 7-14569 teaches a current collecting plate having slit holes 13 and eight radially symmetrical comb teeth (ribs) that protrude from one side of the current collector (see abstract and Figures 2-5) and that the use of the current collecting plate having the eight comb teeth (ribs) protruding toward the projected portions of the current collectors of an electrode plate group of a battery enables improvement of welding efficiency due to uniform welding current flow and a firm weld state is obtained between the current collecting plate and the current collectors (see abstract, Figures 2-5, and example paragraph of machine translation provided for the reference).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the current collecting plate of JP 7-14569 having slit holes 13 and eight radially symmetrical comb teeth (ribs) that protrude from one side of the current collecting plate toward

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the projected portions of the current collectors of an electrode plate group because the structure of the current collecting plate enables a more uniform current flow during welding and a firm weld can be obtained between the current collecting plate and the projected portions of the current collectors of an electrode plate group.

Conclusion

10. Any inquiry concerning this communication or earlier communications should be directed to examiner Susy Tsang-Foster, Ph.D. whose telephone number is (703) 305-0588. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at (703) 308-2383. The phone number for the organization where this application or proceeding is assigned is (703) 305-5900.

The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9310 for regular communications and (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

st/01 July 2002

Susy Tsang-Foster